

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BROIDY CAPITAL MANAGEMENT LLC  
and ELLIOTT BROIDY,

Plaintiffs,

v.

JAMAL BENOMAR,

Defendant.

Case No. 18-CV-6615-CS

**NOTICE OF MOTION TO  
DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of his Motion to Dismiss the Complaint with accompanying exhibits A – B and the Declarations of Abbe David Lowell and Jamal Benomar, dated October 31, 2018, defendant Jamal Benomar hereby moves this Court, before the Honorable Cathy Seibel, United States District Judge, 300 Quarropas Street, Room 621, White Plains, NY 10601-4150, for an order dismissing the Complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Dated: October 31, 2018

Respectfully submitted,

/s/ Abbe David Lowell

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